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**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/138,218 08/21/98 TARKIAINEN

M 466-008195-U

EXAMINER

WM01/0306

CLARENCE A. GREEN

GESESSE, T

PERMAN & GREEN

ART UNIT

PAPER NUMBER

425 POST ROAD

FAIRFIELD CT 06430

2683

DATE MAILED:

03/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Advisory Action

Application No.  
**09/138,218**

Applicant(s)  
**Tarkiainen et al**

Examiner  
**Gesesse, Tilahun**

Group Art Unit  
**2683**



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 13, 2001 has been considered with the following effect, but is **NOT** deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does **NOT** place the application in condition for allowance because:  
see the attached.

- ☐ The affidavit or exhibit will **NOT** be considered because it is not directed **SOLELY** to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-9

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- ☐ Other

Serial Number: 09/138218

Art Unit 2683

Applicant's response to the final rejection has been received on Feb. 13, 2001, have been fully considered but not persuasive for the following reasons:

I. Applicant's claim invention is simply "transmission of message using a message service to the mobile station of a recipient, who has a primary mobile station capable of receiving at least calls and messages, and at least one secondary mobile station, capable of receiving at least messages, comprising the step of:

directing message addressed to the primary mobile station to any of the secondary mobile stations of the recipient, irrespective of calls to and from the primary station."

II. Prior art (EMERY et al ) disclose personal communication service using wireline/wireless integration in the Advance Intelligent Network (AIN), a call initiates by any of PCS handsets 135), see fig.1 and if the subscriber answers the handset, the call is completed. But if the call is not answered at the handset, typically the ringing continues of more than a set number of ringing ( more than a limited time) then the network access the subscriber's file and sends a message to the SSP to transfer or redirect the call to an alternate termination point "secondary mobile station" indicated in the subscriber's service graph"message service". The subscriber can select(set up)any treatment of the unanswered call to suit his or her personal or business needs. The system can transfer the call a voice mailbox service, to a third party line such as that of a secretary, to a recorder signal and so on, see col. 23 lines 31-51.

III. Applicant argued that EMERY et al. consitstantly discusses the transfer of calls, i.e., voice, never the transfer of SMS or data or text messages or calendar data, to which applicant's an important feature of applicant's invention is --- applicant's invention the user does not always have to carry his or her primary mobile station, which may have a considerably lager

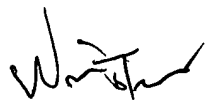
size, e.g., because calendar solutions that may require a larger display, see page 5 lines 40-41 and page 6 lines 1-1-26.

IV. However, Applicant's claim invention, have been so broad, Emery et al disclose almost every limitation as disclose above, furthermore, applicant's replay to the rejection has been too detail which includes subject matter that has not been claim in the first place.

Therefore, upon the above teaching of EMERY et al , the applicant's replay to reconsideration is moot and the final rejection is proper, as a result, the rejection is maintained.

**TILAHUN GESESSE**  
**PATENT EXAMINER**  
Tilahun Gesesse

Mar. 1, 2001



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